THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24201 OF 2005

Dt.11.11.2005

Between:

Maddi Rajkumar Gopi

… Petitioner

And

The Deputy Commissioner of Prohibition and Excise,
Visakhapatnam, Visakhapatnam District and
another … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Prohibition and Excise.

The petitioner submits that he is the owner of the Bajaj Scooter bearing No.AP 31AG 6627 and the said vehicle was seized in connection with F.I.R.No.19/2005-06 for the offence under Section 34(a) of A.P.Excise Act, 1968 by the Prohibition and Excise Inspector, Visakhapatnam-II.

Whenever a vehicle has been seized in connection with excise offence, the concerned authority to release or confiscate the said vehicle is the Deputy Commissioner of Prohibition and Excise. Having regard to the facts and circumstances of the case, the concerned authority is the first respondent. Admittedly, the petitioner

has not filed any application before the Deputy Commissioner of Prohibition and Excise for interim custody of the vehicle.

The writ petition is accordingly dismissed with liberty to the petitioner to file an appeal before the first respondent for interim custody of the said vehicle pending disposal of the confiscation proceedings. No costs.

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(V.ESWARAIAH, J.)

11.11.2005

kpr